

The undersigned observes that “Plaintiff’s Memorandum...” (Document No. 13-1) fails to comply with the Court’s “Social Security Briefing Order” (3:13-mc-198-FDW, Document No. 1) linked to a Text-Only Order on the docket for this case on May 21, 2015. The undersigned notes numerous inconsistencies with the “Social Security Briefing Order,” including the following: Plaintiff’s memorandum is more than *double* the page limitation allowed by Local Rule 7.1 (D); Plaintiff unnecessarily includes tables of contents/index and cases and authorities; the Summary of Case is five (5) pages, instead of two (2) succinct pages; and the Argument section discusses

applicable law and a factual synopsis, instead of only addressing Plaintiff's arguments in separate subsections. See (3:13-mc-198-FDW, Document No. 1) and Local Rule 7.1.

Based on the foregoing, the undersigned recommends that the instant motion be dismissed, and that Plaintiff be allowed additional time to file an appropriate Motion For Summary Judgment and a supporting Memorandum of Law.

FOR THE FOREGOING REASONS, the undersigned respectfully recommends that "Plaintiff's Motion For Summary Judgment" (Document No. 13) be **DENIED WITHOUT PREJUDICE**.

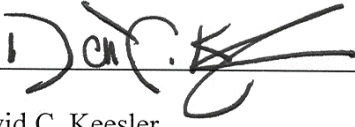
IT IS FURTHER RECOMMENDED that Plaintiff be allowed an extension of time until **September 18, 2015**, to file an appropriate motion and supporting memorandum that comply with the Court's "Social Security Briefing Order."

TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed **within fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to de novo review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

IT IS SO RECOMMENDED.

Signed: September 10, 2015



David C. Keesler
United States Magistrate Judge

